

Nov 28, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL D. WINN,

Petitioner,

v.

JAMES KEY,

Respondent.

No. 1:18-CV-03115-SMJ

**ORDER DISMISSING HABEAS
CORPUS PETITION**

On September 14, 2018, the Court advised Petitioner of the deficiencies of his federal habeas corpus petition and gave him the opportunity to amend it within sixty days to cure those deficiencies. ECF No. 9. Petitioner, a prisoner at the Airway Heights Corrections Center, is proceeding *pro se* and paid the \$5.00 filing fee to commence this action. Respondent has not been served in this action.

The petition is untimely under 28 U.S.C. § 2244(d)(1)(A). ECF No. 9 at 5. Petitioner's Fourth Amendment challenges are barred under *Stone v. Powell*, 428 U.S. 465, 494 (1976). *Id.* at 10. And, Petitioner's remaining grounds do not entitle him to federal habeas corpus relief. The Court cautioned Petitioner that failing to amend his petition would result in its dismissal. *Id.* at 11.


1 Petitioner did not amend his petition as directed and has filed nothing further in
2 this action. For the reasons set forth above and in the Court's September 14, 2018
3 Order, the Court dismisses the petition.

4 Accordingly, **IT IS HEREBY ORDERED:**

- 5 **1.** The petition, **ECF No. 8**, is **DISMISSED WITH PREJUDICE**.
- 6 **2.** The Clerk's Office is directed to **ENTER JUDGMENT** for Respondent
7 and **CLOSE** this file.
- 8 **3.** The Court certifies that an appeal from this decision could not be taken
9 in good faith and there is no basis upon which to issue a certificate of
10 appealability. *See* 28 U.S.C. §§ 1915(a)(3), 2253(c); Fed. R. App. P.
11 22(b).

12 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
13 provide a copy to *pro se* Petitioner.

14 **DATED** this 28th day of November 2018.

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17 SALVADOR MENDEZ, JR.
18 United States District Judge
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